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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,463	03/29/2002	Tetsujiro Kondo	450108-03400	2383

20999 7590 07/29/2004
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NEW YORK, NY 10151

EXAMINER

DAVIS, GEORGE B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/29/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

10/089463

Applicant(s)

Kondo et al

Examiner

George Davis

Group Art Unit

2121

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/29/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-26 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 2121

DETAILED ACTION

Claim Objections

1. Claims 1-26 are objected to because of the following informalities:

Claims 1 and 11, line 3, delete “the frequency analysis step of”.

Claims 1 and 11, line 5, delete “the spectrum data extracting step of”.

Claims 1 and 11, line 7, delete “the classification step of”.

Claims 1 and 11, line 9, delete “the predictive operation step of”.

Claims 2, 12, 16 and 24, line 5, before “desired” insert -- a --.

Claims 15 and 23, delete “the learner digital audio signal generating step of”.

Claims 15 and 23, delete “the frequency analysis step of”.

Claims 15 and 23, delete “the spectrum data extracting step of”.

Claims 15 and 23, delete “the classification step of”.

Claims 15 and 23, delete “the predictive coefficient calculating step of”.

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2121

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6 and 11 recite the limitation "said classified class". There is insufficient antecedent basis for this limitation in the claims.

Claims 15, 19 and 23 recite the limitation "said class". There is insufficient antecedent basis for this limitation in the claims.

Claims 2, 7, 12, 16, 20 and 24 recite the limitation "the frequency characteristic". There is insufficient antecedent basis for this limitation in the claims.

Claims 1, 6 and 11, the followings are indefinite ideas or phrases:

Converting said digital audio signal to what signal?

Predicting what?

Claims 15, 19 and 23, the followings are indefinite ideas or phrases:

The phrase "has deteriorated", is refer to a learner digital audio signal or to a digital audio signal.

Allowable Subject Matter

3. Claims 1-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

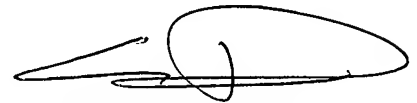
Art Unit: 2121

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (703) 305-3891. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

July 24, 2004

A handwritten signature in black ink, appearing to read 'George B. Davis', with a large, stylized loop at the end.

GEORGE B. DAVIS

PRIMARY PATENT EXAMINER